IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 2626 of 1994

Between:
M/s Chamus Prawn Culture Farm Nellore, Partnership Firm
rep.by its Managing Partner D.Chandrasekhar Reddy
..... PETITIONER

AND

1 Government of Andhra Pradesh rep.by its Secretary
Animal Husbandary (Fish-II) Department, Hyderabad
2 Commissioner, Fisheries Department
Tankbund Road, Hyderabad
3 District Collector, Nellore
4 Mandal Revenue Officer, Manubolu, Nellore District

....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus directing the respondents herein to deliver possession of the land to an extent of 40 hectors identified as Plot No.6 in Survey No.521/C, Kolanakuduru Village of Nellore District, covered by lease deed Dt.29/10/1991 executed by Assistant Director of Fisheries and Registered in the office of Joint Registrar, Nellroe on 07/02/1992 and to pass such other order.

For the Petitioner:MR.S.R.ASHOK, Advocate

For the Respondent No.: GP FOR Animal Husbandry & Fisheries

The Court Made the Following :

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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
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MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 13881 of 2001

Between:

M/s Chamaus Prawn Culture Farm rep.by its Managing Partner Sri Duvvuru Chandra Sekhar Reddy 6-85, East Street, Gudur, Nellore District

..... PETITIONER

AND

1 District Collector Nellore District
2 Revenue Divisional Officer, Gudur, Nellore District
3 Mandal Revenue Officer Manubolu, Nellore District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ, order or direction, directing the respondent authorities to provide land required, for providing passage from Kolanakuduru village (East) to the petitioners land and irrigational facilities from Idimepalli Drain to the petitioners land (ii) direct the MRO not to take any steps which would render the aforesaid obligation of the respondents un-workable and in specific not to grant any assignment, any part of the land set apart from brackish water prawn culture and entered in Prohibitory Book, covered by Survey No.521/C, Kolanakuduru village, Manubolu Mandal, Nellore District and to pass such other order.

For the Petitioner:MR.C.V.VINITHA REDDY, Advocate

For the Respondent No.: GP FOR REVENUE

The Court Made the Following :

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COMMON ORDER:

This order shall dispose of these two writ petitions.

The petitioner is a firm registered under the Partnership Act. They obtained a lease for a period of fifteen years in respect of Acs.100-00 of land (40 hectares) comprised in Survey No.521/C of Kolanakuduru village in Nellore District, for the purpose of aqua-culture. The Government, first respondent herein have also executed a lease deed on 29-10-1991. As the land was not handed-over, the petitioner filed W.P.No.2626 of 1994 praying for a writ of mandamus directing the respondents herein to deliver possession of the demised land. By an order made in W.P.M.P.No.3266 of 1994, dated 21-2-1994 this Court passed interim orders directing the respondents to deliver possession of the land covered by the lease deed.

Government delivered possession of the land on 19-8-1994. Nonetheless alleging that the land demised under the lease deed does not have proper access and drainage facility for taking of aqua-culture, the petitioner filed yet another writ petition being W.P.No.13881 of 2001. The petitioner prayed a direction to the respondents to provide a passage from Kolanakuduru village to the lands leased out and for a direction to the Mandal Revenue Officer, not to take any steps which would render the obligation of the respondents under the lease deed unworkable. This Court, while admitting the writ petition on 10-7-2001 passed interim order in W.P.M.P.No.17359 of 2001 to the effect that the respondents shall not grant any assignment of any part of the land set-apart except for prawn culture. The said order was modified on 23-8-2002 by this Court giving liberty to the petitioner to approach the respondents for proper passage and the

respondents were directed to consider the representation of the petitioner for providing passage from Kolanakuduru village. Respondents considered the representation made by the petitioner and by order dated 30-3-2003 rejected the request of the petitioner on the ground that the petitioner has adequate passage to his land. Having regard to this, the interim orders passed by this Court in W.P.M.P.No.17351 of 2002, dated 23-8-2002 were vacated by this Court. Learned counsel for the petitioner submits that the petitioner was not allowed to carry out the business of aqua culture on the ground that no such prawn culture can be allowed in the area and that such a contention on the part of the Government is not correct. The learned counsel placed reliance on a letter dated 13-6-2001 addressed by the District Collector, Nellore to the Mandal Revenue Officer, Manubolu.

A perusal of the said letter addressed by the District Collector, Nellore, would show that the Mandal Revenue Officer, Manubolu was instructed by the District Collector not to permit prawn culture and as the land was assigned to farmers under D-form patta only for the purpose of Pisi-culture. Be that as it is, the petitioner initially filed a writ petition seeking a direction to the Government to handover possession of the land and thereafter again came forward with another grievance that the land has not been provided with proper passage. As these two grievances stand redressed substantially, no ***lis*** would arise in these writ petitions. If the petitioner is aggrieved by the action of the respondents in not allowing the prawn culture, he may approach the respondents for proper redressal. In these writ petitions no relief can be granted.

The writ petitions, with the above observations and directions, are dismissed without any order as to costs.

..... ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary,
Animal Husbandary (Fish-II) Department,
Government of Andhra Pradesh Hyderabad
2 Commissioner, Fisheries Department
Tankbund Road, Hyderabad
3 District Collector, Nellore

4. The Revenue Divisional Officer,
Gudur, Nellore District.
5 Mandal Revenue Officer, Manubolu, Nellore District
6. The Government Pleader for Revenue and Animal Husbandry & Fisheries, High Court of Andhra Pradesh, Hyderabad.
7. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

W.P.No.2626 of 1994 and W.P.No.13881 of 2001

Dt.21-06-2004
(Msr)